

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8468 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHANDRESHKUMAR GULABRAI VYAS

Versus

SAURASHTRA UNIVERSITY

Appearance:

None present for Petitioner

MR JR NANAVATI for Respondent No. 1

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/10/97

ORAL JUDGMENT

#. When the matter was called out for hearing in the first round, a request has been made on behalf of petitioner for passing over the matter. Accordingly, the matter has been passed over. Thereafter the matter was called out for hearing in the second round but none put appearance on behalf of petitioner. Lastly, the matter

was called out in the third round, but the position remained the same. Heard learned counsel for respondent No.1 and perused the Special Civil Application.

#. The post of lecturer in the respondent-University has to be filled in by selection after inviting applications from the open market. The petitioner has been given adhoc appointment on the post of lecturer from time to time and it appears that his term of appointment has been extended from time to time. Last term of his appointment has been extended under the order dated 22nd June 1991 upto the end of the first academic term of 1991-92 or till the post is filled up by regular appointment. The post has been advertised and applications have been invited and in response to the advertisement, the petitioner also submitted application but he was not selected. Hence he filed this Special Civil Application before this Court. The respondent No.2 is the person who has been selected for the said post, after selection. Prayer has been made by petitioner in this Special Civil Application that the respondent-University may be restrained from discontinuing the services of the petitioner on the post of lecturer in Home Science Department and further to restrain the respondent-University from interfering with the petitioner in discharging of his duty as lecturer. Further prayer has been made to restrain the respondent-University to appoint any other person on the post of lecturer pursuant to the interviews.

#. The petitioner was not selected for the said post and as such, his temporary appointment will not give him any right to continue in employment. In the matter of selection in public employment made by Experts' Committee, this Court has very very limited power of judicial review. The petitioner admittedly has applied for the said post and he was called for interview. He appeared before the selection committee and when he was not selected, he filed this petition and the very constitution of the selection committee has been challenged on the ground that out of three experts, one expert was present. I do not consider it to go on the question of validity of the constitution of selection committee in the present case as this conduct of petitioner to appear before the selection committee and take a change for his selection before the same disentitle him from getting any relief from this Court. In case the petitioner felt that the selection committee was not properly constituted, he should have withdrawn his candidature for the post of lecturer but contrary to it, he has appeared before the selection committee and

taken opportunity of his selection but when he was not selected, he challenged the selection on the ground aforesaid. This petition, only on the ground of this conduct of the petitioner, deserves to be dismissed and accordingly it is dismissed. Rule discharged. Interim relief granted by this Court stands vacated. No order as to costs.

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(sunil)